

In the United States Bankruptcy Court  
For the Middle District of North Carolina  
Winston Salem Division

In re:  
Don Michael Varner, Sr.  
Patti Marie Koontz Varner,  
Debtors.

Case No. 14-51410

Chapter 13

Debtor's Motion to Avoid Security Interest of  
Springleaf Financial Services of America, Inc., Claim Number 1

The Debtor moves for an order pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the nonpossessory, nonpurchase-money security interest held by Springleaf Financial Services of America, Inc. ("Respondent") and in support of this motion states:

1. The Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code on 12-30-2014.
2. Respondent asserts a nonpossessory, nonpurchase-money security interest in various household goods of the Debtors as described in Claim number 1 (the "Property") of the Debtor, in which the Debtor has claimed an exemption under N.C. Gen. Stat. §1(c)-1601(a)(4), (5), or (7):

(x) household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor;

( ) implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor; or

( ) professionally prescribed health aids for the debtor or a dependent of the debtor.

3. The amount of the Respondent's nonpossessory, nonpurchase-money security interest as of the date of the petition is \$606.88, approximately, though its total claim is for 5645.42.
4. The Property is subject to the following additional liens:

Creditor/lienholder	Date of recordation/creation	Amount of lien
None		
Total		None

5. The approximate fair market value of the exempt property is \$4997.00, which is less than the total amount of the exemption that the Debtor is entitled to under N.C. Gen. Stat. § 1C-1601(a)(4), (5), or (7), in the absence of any liens against the Property
6. The Debtor states that the Respondent's security interest impairs the Debtor's exemption following the formula set forth in 11 U.S.C. § 522(f)(2):
  - a. Total aggregate amount of security interest/liens \$606.88
  - b. Plus value of exemption \$10,000.00 (husband and wife)
  - c. Total of Aggregate amount of security interest/liens and value of exemption \$10,606.88
  - d. Minus value of Debtor's interest in property in the absence of any liens: \$4997.00
  - e. Extent of impairment claimed \$5609.88

7. Because the total aggregate of the security interest/liens and the value of the exemption is \$10606.88, which exceeds the value of Debtor's interest in the property by \$5609.88 and because that sum equals or exceeds the amount of the security interest of \$ sought to be avoided, the Respondent's security interest may be completely avoided pursuant to 11 U.S.C. § 522(f)(1).

WHEREFORE, the Debtor respectfully requests the Court for an order that:

Avoids the security interest held by Springleaf Financial Services of America, Inc., Claim Number 1 in its entirety.

/s/Thomas W. Anderson  
Thomas W. Anderson  
Attorney at Law  
214 East Marion Street  
Post Office Box 1273  
Pilot Mountain, North Carolina 27041  
336-368-9621  
State Bar No. #8628

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

In re:  
Don Michael Varner, Sr.  
Patti Marie Koontz Varner,  
Debtors.

Case no. 14-51410

Chapter 13

Certificate of Service

This is to certify that on the below date, the undersigned served a copy of the Motion to Avoid Liens on Household Goods by depositing the same, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

Springleaf Financial Services of America, Inc.  
Attn: Officer Managing or General Agent  
PO Box 3251  
Evansville, IN 47731

Springleaf Financial Services  
Attn: Officer Managing or General Agent  
2133 Rockford Street, Suite 700  
Mount Airy, NC 27030

Springleaf Financial  
Attn: Officer Managing or General Agent  
601 NW Second Street  
PO Box 59  
Evansville, IN 47701

Ms. Kathryn Bringle  
CHAPTER 13 OFFICE  
PO Box 2115  
Winston-Salem, NC 27102

Bankruptcy Court Administrator  
PO Box 1828  
Greensboro, NC 27402

This day: January 20, 2015

/s/Courtney B. Williams  
Courtney B. Williams